



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

LCC:ddj  
Docket No: 8012-02  
10 December 2002

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 December 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by NPC memorandum 5420 Pers 911 of 8 November 2002, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

5420  
Pers-911  
8 Nov 02

MEMORANDUM FOR DIRECTOR, LEGISLATIVE MATTERS/CONGRESSIONAL  
ADVISOR OFFICE/BCNR CORDINATOR (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF  
██

Ref: (a) CNETINST 1533.12F of 14 May 98  
(b) 42 COMPGEN 669; B-150780, June 7, 1963  
(c) 45 COMPGEN 363; B-158027, December 20, 1965  
(d) Title 10 U.S.C.

Encl: (1) BCNR memo 5420 PERS-OOZCB of 5 Nov 02

1. Enclosure (1) is returned with the recommendation that CAPT ██████████'s request to add 30 days of additional active duty to his Statement of Service for Naval Reserve retirement, be denied. We note that ██████████ will complete his Naval Reserve career on 1 July 2003, has earned nearly 2800 points, and is eligible for retired pay at age 60.

2. As contained in reference (a), the summer training periods held annually for NROTC midshipmen students are normally four to eight weeks in length. References (b) and (c) authorized summer training periods held annually for NROTC midshipmen students as creditable service under section 1405 of reference (d).

3. A review of CAPT ██████████'s permanent personnel record shows that he accepted an appointment as a midshipman in the NROTC program on September 16, 1971 and was later commissioned in the U.S. Navy on June 8, 1973. As an NROTC student, each summer training period would have been authorized by official NROTC Summer Cruise orders, which would have been endorsed upon both his arrival and departure from the training activity. CAPT ██████████ permanent personnel record contains no such orders, nor any other documentation (for example, page 13 entries, pay vouchers, travel or subvouchers, etc.) to determine the dates of his summer training period.

4. The number of actual days served by NROTC students on summer training cruises can vary from as little as three weeks to up to eight weeks. We also understand that students are sometimes excused from a summer training period for valid reasons.

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[REDACTED]

Therefore, we feel it necessary that summer training cruise documentation specifically indicate arrival/departure dates as a prerequisite to adjusting a retirement point record.

5. Documentation provided by CAPT [REDACTED] in enclosure (1) circumstantially indicates that he may have been in a pay status in July 1972. Additionally, our research indicates that in 1972, a midshipman's pay was, in fact, 50 per cent of an Ensign's pay. This supports [REDACTED]'s contention that he was paid for 30 days of duty. However, there is no documentation to verify that the pay was for a summer training cruise or to identify the specific dates of the training.

6. Because this issue involves a financial obligation for the U.S. Government, we can not support making a decision based on circumstantial evidence. We receive a substantial number of these types of requests in our regular correspondence and we have always enforced a consistent policy of requiring specific documentation before agreeing to update an individual's retirement point record. We believe this policy should apply to [REDACTED]'s case as well. Additionally, there is no time limit on [REDACTED]'s ability to try to correct his record. We encourage him to continue his research into this matter. He may want to contact the Defense Finance and Accounting Service (DFAS) at 1-800-255-0974 to see if they have pay records on him back to 1972. If so, they may be able to identify the period for which he was paid. We will be glad to reconsider our recommendation if he finds new information.

7. If BCNR decides to approve [REDACTED]'s request, we will need to be provided with constructive starting and ending dates for his active duty period to allow us to update his record.

8. Point of contact in this matter is CDR [REDACTED], PERS-911, at commercial (901) 874-4497 or DSN 882-4497.

[REDACTED]  
Director, Naval Reserve Personnel  
Administration Division